

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

JANUS YOUTH PROGRAMS, INC.
Employer/Petitioner

and

Case 19-RM-216426

INDUSTRIAL WORKERS OF THE WORLD,
PORTLAND BRANCH
Union

ORDER

The Petitioner's Request for Review of the Regional Director's determination to hold the petition in abeyance is denied as it raises no substantial issues warranting review¹ and is moot.²

MARK GASTON PEARCE, MEMBER

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., May 31, 2018.

¹ Member Kaplan agrees with the decision to deny review here. He notes, however, that consistent with the Petitioner's suggestion, he would consider revisiting the Board's blocking charge policy in a future appropriate case. Member Emanuel agrees that the determination to hold the petition in abeyance in this case was permissible under the Board's current blocking-charge policy, but he believes that the policy should be reconsidered. Specifically, he believes that an employee's petition for an election should generally not be dismissed or held in abeyance based on contested and unproven allegations of unfair labor practices.

² Subsequent to the filing of the Request for Review, the Regional Director dismissed the RM petition. The Petitioner did not request review of that determination and cannot do so at this time. See Board's Rules and Regulations Sec. 102.71(b)-(c) (14-day limitations period to challenge dismissal of a petition).